ONTARIO LABOUR RELATIONS BOARD
ANNUAL REPORT
2002-2003

June 2003
Chair – Kevin Whitaker

Chair's Message

In 2003, the Board was particularly challenged. We lost a number of very experienced Vice-Chairs and were not able to obtain sufficient appointments to bring us up to our usual complement of adjudicators. At the same time we faced an increasing number of applications – up about seven per cent from the previous year.

Despite all of this, we were able to continue our progress from the previous year in reducing overall case disposition times and increasing our use of mediation, mediation/adjudication and other alternative case management techniques. We also managed to reduce our costs per unit case and spend more money on training and development.

Our ability to meet these challenges is directly attributable to two things – firstly, the dedication and hard work of our administrative and professional staff, and secondly - the support, advice and encouragement that we continue to receive from our labour relations and employment law communities. Without these, we would be unable to do so much – with so little.

Heading into 2004, the Board remains committed to our goal of providing the Province of Ontario with the most rapid, practical and cost effective labour and employment problem solving available in this country. We will continue to creatively apply and use our Consultation process as an alternative to formal Hearings. We will continue to bring our case disposition times down. We will continue to focus on practical, plain speaking reasons for our decisions. In short, we remain committed to the goals and objectives that you – our broad community of users – has set for us.

All of us at the Board look forward to a productive and vital year of labour relations problem solving. We welcome your comments thoughts and suggestions.

Kevin Whitaker, Chair

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OLRB Annual Report 2002-2003

Chair – Kevin Whitaker

Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2003 was prepared under my direction for submission to the Minister of Labour in accordance with the ***Agency Establishment and Accountability Directive – February 2000***, as issued by Management Board of Cabinet.

Preface

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Business Plan of the Ministry of Labour, which is to be released in the fall of each year, contains the Minister's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the ***Agency Establishment and Accountability Directive***, including:

- financial statements that have been audited or subject to the appropriate level of external assurance;
- analysis of operational performance;
- analysis of financial performance;
- names of appointees and term of appointments
- performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2002 to March 31, 2003.

I Organizational Overview

- Core Business, Legislative Authority, Mandate
- OICs and Staff

OLRB - Core Business

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act*, R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act*, R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
  * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  * *Environmental Protection Act*, R.S.O. 1990, c. E.19
  * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  * *Pesticides Act*, R.S.O. 1990, c. P.11
  * *Fisheries Act*, R.S.C. 1970, c. F-14
- *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service Act*, R.S.O. 1990, c. P.47
- *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13

The Ontario Labour Relations Board (the "Board") was established by section 2 of the *Labour Relations Act, 1948* and is continued by subsection 110(1) of the *Labour Relations Act, 1995*S.O. 1995, C1, as amended. The Board is an adjudicative agency of the Government of Ontario and its staff is appointed under the *Public Service Act*.

The Board is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. It plays a fundamental role in the labour relations regime in Ontario and encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.

2. To recognize the importance of workplace parties adapting to change.

3. To promote flexibility, productivity and employee involvement in the workplace.

4. To encourage communication between employers and employees in the workplace.

5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, Vice-Chairs, and Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. However, it is important to recognize that legal rights are in issue, the statutory framework is often complex, and, these days, it is common for parties to be represented by lawyers.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness. The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available on the OLRB's website www.gov.on.ca/lab/olrb/eng/homeeng.htm or, directly, from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

105-05881/

Order in Council (OIC) Appointments:

CHAIR	CURRENT TERM	ORIGINAL APPT. DATE
Kevin Whitaker	**Sep 20/01 – Sep 19/04**	**Sep 20/01-C; Mar 22/95-VC; PT- Jun 24/98-Dec 22/99**
ALTERNATE CHAIR		
Mary Ellen Cummings	Aug 13/02 – Aug 12/05	Jan 1/99 – Alt; Aug 13/97– VC
VICE-CHAIRS (Full Time)		
Christopher J. Albertyn	Oct 07/02 – Oct 06/05	Oct 7/94; PT up to Mar 8/95
Harry Freedman	Jul 08/01 – Jul 07/04	July 8, 1998
Patrick M. Kelly	May 17/02 – May 16/05	May 17, 1999
David A. McKee	Apr 29/02 – Apr 28/05	April 29, 1999
Mary Anne McKellar	Jan 24/01 – Jan 23/04	January 24, 2001
Brian C. McLean	Jul 08/01 – Jul 07/04	July 8, 1998
Corinne F. Murray	Feb 03/03 – Feb 02/06	February 3, 2003
Caroline Rowan	May 06/02 – May 05/05	May 6, 1999
Timothy W. Sargeant	Feb 28/02 – Feb 27/05	February 28, 1996
Susan J. Serena	May 28/03 – May 27/06	May 28/03
Marilyn Silverman	Apr 29/02 – Apr 28/05	April 29, 1999
Jack J. Slaughter	Feb 03/03 – Feb 02/06	February 3, 2003
Laura Trachuk	Feb 03/02 – Feb 02/05	February 3, 1993
Tanja Wacyk	May 28/03 – May 27/06	May 28/03
Stephen C. Raymond	May 03/03 – May 02/06	May 3, 2000; **PT May 3/03**
BOARD MEMBERS:		
Richard J. O'Connor	Nov 06/02 – Nov 05/05	November 6, 2002
Glenn A. Pickell	Mar 25/01 – Mar 24/04	March 25, 1998
James A. Ronson	Jul 26/03 – Jul 25/05	July 26, 1979
Judith A. Rundle	Jul 17/01 – Jul 16/04	July 17, 1986
John A.Tomlinson	Nov 06/02 – Nov 05/05	November 6, 2002
Alan Haward	Mar 25/01 – Mar 24/04	March 25, 1998
George S. McMenemy	Nov 05/01 – Nov 04/04	November 5, 1992
Rene R. Montague	Mar 05/01 – Mar 05/04	March 6, 1986
David A. Patterson	Apr 02/01 – Apr 01/04	April 2, 1986
Hugh Peacock	Nov 13/01 – Nov 12/04	November 13, 1986
Len Wood	Sep 23/02 – Sep 22/05	September 23, 2002

The OLRB's operations and staff can be broadly divided into The Board, Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are civil service appointments. **The Board is composed of a Chair, an Alternate Chair, Vice-Chairs and Board Members. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council as Order in Council appointments (OIC).**

Board Staff

ADMINISTRATION:

Office of the Director and Registrar

The Director and Registrar is the chief administrative officer of the Board. He is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director and Registrar oversees the effective processing and scheduling of each case, and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director and Registrar's office.

Manager of Administration

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

Library Services

In December 1998 the Ontario Labour Relations Board Library was merged with the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library to form the new Ontario Workplace Tribunals Library. The library is situated in the same building as the Board – 505 University Avenue – currently on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

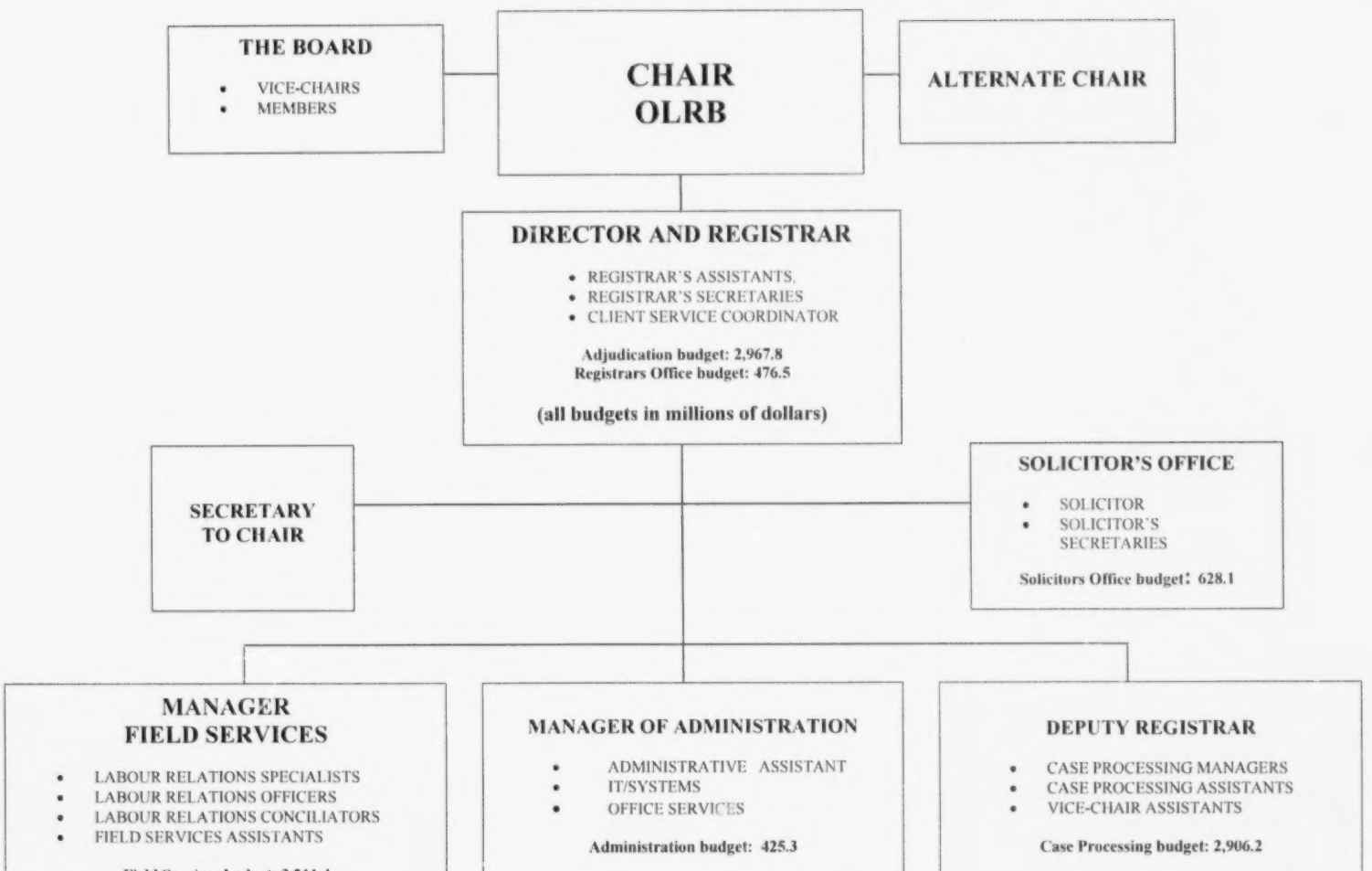
FIELD SERVICES (mediation)

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, eleven Labour Relations Specialists, and fourteen Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In fiscal 2002/2003 LROs facilitated settlements in more than 85% of all disposed cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

LEGAL SERVICES

Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

ONTARIO LABOUR RELATIONS BOARD



June 2002

Organizational Chart

II Executive Summary – Overview of Results

Operational Performance:
- Caseload analysis
- Caseload and statistical tables

OLRB - Operational Performance:

CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2002-2003

Caseload Analysis

In fiscal year 2002-2003, the Board had a total caseload of 5,767 applications, appeals and complaints, an increase of 6.9% over 2001-2002.

The Board received 4,324 new cases and 1,443 cases were carried over from the previous year. Of the total caseload, 4,039 were disposed of during the year and 1,728 were pending in various stages of processing/mediation/adjudication at March 31, 2003.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

Labour Relations Specialists and Officers are the Board's professional mediators. They are assigned to every Board case in an effort to facilitate settlements in matters brought before the Board, without the need for formal litigation before the Board itself. (**Table 3**)

Of those cases in which activity was completed and cases disposed by the end of the year, 83.8% of these cases were settled with the assistance of Labour Relations Officers. Officers referred 654 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,728 cases at March 31, 2003.

Vice-Chair/Adjudicator Decisions

Vice-Chairs wrote 6,258 **decisions** covering 4,680 cases between April 1, 2002 and March 31, 2003.

Disposition Time – Major Categories

Table 6 provides statistics on the time taken by the Board to process the 3,023 cases disposed of in 2002-2003, excluding cases in which proceedings were adjourned sine die. Information is shown separately for the three major categories of cases handled by the Board – certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements – and for the remaining categories combined.

Overall median times to proceed from filing to disposition for the 3,023 cases **was 44 days. Median times for the three major categories of cases:** 580 certification applications were processed in a median of 22 days; 696 complaints of contravention of the Act took 69 days; 462 referrals of construction industry grievances required 14 days, and the remaining 1,285, for all other categories combined, took 58 days.

Certification of Bargaining Agents

In 2002-2003, the Board received 658 applications for certification of trade unions as bargaining agents of employees, an increase of 5.5 percent from 2001-2002. (Table 1)

In addition to the 658 applications received, 136 cases were carried over from last year, making a total certification caseload of 794 in 2002-2003. Of the total caseload, 627 were disposed of and 167 cases were pending at March 31, 2003. Of the 627 dispositions, certification was granted in 318 cases; 175 cases were dismissed; one case was terminated; and 133 cases were settled. The certified cases represented 50.7 percent of the total dispositions. **(Table 1)**

Of the 493 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 495 votes conducted, 455 involved a single union on the ballot, and 39 were held between two unions. Applicants won in 328 of the votes and lost in the other 167. (Table 5)

A total of 27,646 employees were eligible to vote in the 495 elections, of whom 22,515 or 81.4 percent cast ballots. In the 328 votes that were won and resulted in certification, 12,022 or 79.6 percent of the 15,102 employees eligible to vote cast ballots, and of these voters, 8,297 or 69.0 percent favoured union representation. In the 167 elections that were lost and resulted in dismissals, 10,493 employees participated, and, of these, 3,740 or 35.6 percent voted for union representation. **(Table 5)**

Ten unions, each with more than 25 applications, accounted for 66.1 percent of the total filings: Labourers (111 cases), Canadian Auto Workers (50 cases), Carpenters (43 cases), Canadian Union of Public Employees (CUPE) (39 cases), Teamsters (37 cases), United Steelworkers (36 cases), Food and Commercial Workers (32 cases), Service Employees International (31 cases), International Operating Engineers (30 cases), and Electrical Workers (IBEW) (26 cases). In contrast, nine unions filed fewer than five applications each. These unions together accounted for 3.6 percent of the total certification filings. **(Table 7)**

Table 8 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 91.0 percent of the applications received, concentrated in construction (199 cases) and health and welfare services

(78 cases). These two groups comprised 46.2 percent of the total non-manufacturing applications. The 59 applications involving establishments in manufacturing industries comprised 9.0 percent of the new applications.

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 2002-2003. The average size of the 318 bargaining units in the 318 applications that were certified was 44 employees, compared with 53 employees in 2001-2002. The 67 units in construction certifications averaged 11 employees, and the 251 units in non-construction certifications averaged 53 employees. Seventy-five point two (75.2) percent of the total certification applications involved units of fewer than 40 employees, and 34.9 percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted decreased to 14,026 from 16,255 in 2001-2002. (**Table 9**)

Of the employees covered by the certification applications granted, 519, or 3.7 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 229 employees. Full-time and part-time employees were represented in units covering 13,278 employees, including units that did not specifically exclude employees working 24 hours or less a week. (**Tables 11 and 12**)

Thirty-two point seventy eight (32.78) percent of the employees, or 4,598, were employed in production and related occupations; 325 were in office, clerical and technical occupations - mainly in education and related services. Professional employees, found mostly in education and related services, accounted for 837 employees; and 8,266 were in units that included employees in two or more classifications. (**Tables 13 and 14**)

Disposition Time – Certifications Granted

A median time of 23 calendar days was required to complete the 318 certification applications granted from receipt to disposition. For non-construction certification, the median time was 22 days for 251 cases; and for construction certification, the median time was 24 days for 67 cases. (**Table 10**)

Eighty-eight point seven (88.7) percent of the 318 certification applications granted were disposed of in 84 days (3 months) or less. (**Table 10**).

Termination of Bargaining Rights

In 2002-2003, the Board received 108 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 52 cases were carried over from 2001-2002. (**Table 1**)

Of the 160 cases processed, bargaining rights were terminated in 51 cases, 50 cases were dismissed, 21 cases were settled and 35 cases were pending at March 31, 2003.

Seventy-two representation votes were held on 101 cases that were either granted or dismissed. A total of 4,915 employees were eligible to vote in the 72 elections that were held, of whom 3,839 or 78.1 percent cast ballots. Of those who cast ballots, 267 voted for continued

representation by unions and 1,195 voted against. **(Table 5)**

Representation Votes

In 2002-2003, the Board's Labour Relations Officers and Conciliators conducted a total of 685 representation votes among employees in one or more bargaining units. Of the 685 votes conducted, 609 involved certification applications, and 76 were held in applications for termination of existing bargaining rights. **(Table 4)**

Of the certification votes, 571 involved a single union on the ballot, and 38 (39 on table) involved two unions.

A total of 34,158 employees were eligible to vote in the 685 elections that were conducted, of whom 27,431 or 80.3 percent cast ballots. Of those who participated, 47.6 percent voted in favour of union representation. In the 609 elections in certification applications, 80.5 percent of the eligible voters cast ballots, with 49.3 percent of the participants voting for union representation.

In the 76 votes in applications for termination of bargaining rights, 79.3 percent of the eligible voters cast ballots, with only 38.9 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 21 requests dealt with by the Board during the fiscal year, 10 cases were granted, 7 cases were dismissed, two cases were settled, and the remaining two cases were pending at March 31, 2003. **(Table 1)**

In the 17 votes held, employees accepted the employer's offer in 10 cases and rejected the offer in 7 cases.

Declaration of Successor Trade Union

In 2002-2003, the Board dealt with 16 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 10 cases, three cases were settled, two cases were dismissed, and the remaining case was pending at March 31, 2003. **(Table 1)**

Declaration of Successor or Common Employer Status

In 2002-2003, the Board dealt with 289 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer

resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 31 cases, 10 applications were dismissed, 120 cases were settled and 128 cases were pending at March 31, 2003. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2002-2003, the Board dealt with 18 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Three cases were granted, 12 cases were settled and the remaining three cases were pending at March 31, 2003. **(Table 1)**

The Board dealt with nine applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers. Of these, one case was granted, five cases were settled and the remaining three were pending at March 31, 2003. **(Table 1)**

Declaration/ Direction of Unlawful Lock-out

Two applications seeking declarations under section 101 of the Act regarding an alleged unlawful lock-out by non-construction employers were processed in 2002-2003. Both cases were settled.

One application seeking a declaration under section 144 of the Act regarding an alleged unlawful lock-out in the construction industry was processed in 2002- 2002. The case was settled. **(Table 1)**

Consent to Prosecute

In 2002-2003, the Board dealt with six applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. Two cases were settled, one case was dismissed and the remaining three cases were pending at March 31, 2003. **(Table 1)**

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes settlements facilitated by its labour relations officers.

In 2002-2003, the Board received 912 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 411 cases were carried over from 2001-2002. Of the 1,323 cases processed, 611 were settled, and 486 cases were pending at March 31,

2003. **(Table 1)**

In 721, or 86.1 percent, of the 837 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 6 cases, 208 cases were dismissed, and 12 cases were terminated. **(Table 1)**

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 2002-2003, the Board received 820 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 155 were carried over from 2001-2002. Of the total 975 processed, 831 were disposed of; of these, awards were made by the Board in 106 cases, 15 cases were dismissed, and 144 cases were pending at March 31, 2003. **(Table 1)**

In 710, or 85.4, percent of the 831 dispositions, settlements and withdrawal of the grievance were obtained by labour relations officers. **(Table 3)**

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Twelve applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Eight applications were settled, one case was dismissed, and the remaining three applications were pending at March 31, 2003. **(Table 1)**

Early Termination of Collective Agreements

Ten applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in seven cases, two were settled and the remaining case was pending at March 31, 2003. **(Table 1)**

Union Financial Statements

Ten complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. One application was settled, one was dismissed, and the remaining eight cases were pending at March 31, 2003. **(Table 1)**

Jurisdictional Disputes

Seventy-one (71) complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in

nine cases, 27 cases were settled, three cases were dismissed, and 32 cases were pending at March 31, 2003. **(Table 1)**

Determination of Employee Status

The Board dealt with 55 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Thirty-one cases were settled by the parties in discussions with labour relations officers. Ten cases were granted, three cases were dismissed and the remaining eleven cases were pending at March 31, 2003. **(Table 1)**

Referrals by Minister of Labour

In 2002-2003, the Board dealt with 13 cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Two applications were granted, six were settled, and the remaining five cases were pending at March 31, 2003. **(Table 1)**

The Board also dealt with 7 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act.* All seven cases were settled. **(Table 1)**

Trusteeship Reports

Fifteen statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

First Agreement Arbitration

In 2002-2003, the Board processed 10 applications for directions to settle first agreements by arbitration. One direction was issued, eight cases were settled, and one case was pending at March 31, 2003. **(Table 1)**

Occupational Health and Safety Act

In 2002-2003, the Board received 96 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Forty-two cases were carried over from 2001-2002.

Of the total 138 cases processed, 101 cases were disposed of. Of these, 82 cases were settled by the parties in discussions with labour relations officers **(Table 3)**. Twelve cases were dismissed, three cases were terminated, and the remaining 37 were pending at March 31, 2003.

Colleges Collective Bargaining Act

One complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act* in 2002-2003; the case was withdrawn.

One application was dealt with under section 82 of the Act for decisions on the

status of individuals as employees under the Act. The case was pending at March 31, 2003.

Statistics on the cases under the *Colleges Collective Bargaining Act* dealt with by the Board are included in **Table 1**.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,366 appeals during 2002-2003. Of the 834 cases that were disposed of, 47 were granted, 146 were dismissed, 569 cases were settled, 72 were terminated, and 532 cases were pending at March 31, 2003. **(Table 1)**

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

Two hundred and fifty-eight appeals were dealt with by the Board in 2002-2003. Of the 167 cases that were disposed of, 6 appeals were granted, 38 were dismissed, 110 cases were settled, 13 were terminated and 91 cases were pending at March 31, 2003. **(Table 1)**

Applications under The Public Sector Labour Relations Transitions Act

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2002-2003, the Board processed 13 applications under *the Public Sector Labour Relations Transition Act, 1997.* Of the 13 cases processed, five cases were granted, one was dismissed, five were settled and two cases remained pending at March 31, 2003. **(Table 1)**

Court Proceedings 2002-2003

During the 2002-2003 fiscal year, there were thirteen new applications for judicial review of Board decisions filed with the Ontario Superior Court of Justice (Divisional Court).

Seventeen matters were disposed of by the Divisional Court. Eight were dismissed; six were abandoned; three were granted.

The Ontario Court of Appeal heard motions for leave to appeal in four matters. Three were denied; one was granted. The Court of Appeal heard one matter on its merits (an appeal of a

judicial review application which had been allowed by the Divisional Court). The appeal was dismissed.

One matter (where leave to appeal had been denied by the Court of Appeal) travelled to the Supreme Court of Canada, where leave was once again denied.

Three civil suits were filed against the Board. Two were dismissed by the Superior Court of Justice. One matter was abandoned.

On March 31, 2003, there were twenty-two outstanding court applications, all at the Divisional Court level.

Table 1

Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 2002-03

Type of Case	Caseload			Disposed of Year 2002-03					Pending March 31,2003
	Total	Pending April 1, 2002	Received Fiscal Year 2002-03	Total	Granted*	Dismissed	Terminated	Settled Withdrawn/ Sine Die	
Total	5,767	1,443	4,324	4,039	628	674	104	2,633	1,728
CERTIFICATION OF BARGAINING AGENTS	794	136	658	627	318	175	1	133	167
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	160	52	108	125	51	50	3	21	35
ACCREDITATION	2	1	1	0	0	0	0	0	2
DECLARATION OF SUCCESSOR TRADE UNION	16	3	13	15	10	2	0	3	1
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	289	131	158	161	31	10	0	120	128
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	27	5	22	21	4	0	0	17	6
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	3	1	2	3	0	0	0	3	0
CONSENT TO PROSECUTE	6	1	5	3	0	1	0	2	3
CONTRAVENTION OF ACT	1,323	411	912	837	6	208	12	611	486
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	12	8	4	9	0	1	0	8	3
EARLY TERMINATION OF COLLECTIVE AGREEMENT	10	2	8	9	7	0	0	2	1
TRADE UNION FINANCIAL STATEMENT	10	1	9	2	0	1	0	1	8
JURISDICTIONAL DISPUTE	71	22	49	39	9	3	0	27	32
REFERRAL ON EMPLOYEE STATUS	55	22	33	44	10	3	0	31	11
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	20	7	13	15	2	0	0	13	5
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	1	0	1	0	0	0	1	0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	975	155	820	831	106	15	0	710	144
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	138	42	96	101	4	12	3	82	37
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	1	1	0	1	0	1	0	0	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	2	0	1	0	0	0	1	1
FIRST AGREEMENT ARBITRATION DIRECTION	10	1	9	9	1	0	0	8	1
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	6	0	6	2	1	0	0	1	4
FINAL OFFER VOTE**	21	4	17	19	10	7	0	2	2
EMPLOYMENT STANDARDS ACT (APPEAL)	1,366	342	1,024	834	47	146	72	569	532
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	258	83	175	167	6	38	13	110	91
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	13	7	6	11	5	1	0	5	2
PROJECT AGREEMENT APPLICATION	1	0	1	0	0	0	0	0	1
FIRE PROTECTION AND PREVENTION ACT	2	2	0	1	0	0	0	1	1
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT	2	0	2	0	0	0	0	0	2
OTHER CASE TYPES	173	0	173	151	0	0	0	151	22

* Includes cases in which a request was granted or a determination made by the Board.

** For Final Offer Votes, "Granted" indicates that the offer was accepted and "Dismissed" indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1998-99 to 2002-03

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	1998-99	1999-00	2000-01	2001-02	2002-03	Total	1998-99	1999-00	2000-01	2001-02	2002-03
Total	20,784	4,501	3,960	4,099	3,900	4,324	21,453	4,557	4,197	4,702	3,958	4,039
CERTIFICATION OF BARGAINING AGENTS	3,524	692	700	850	624	658	3,553	707	606	927	686	627
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	694	163	114	129	180	108	721	160	125	137	174	125
ACCREDITATION	10	1	5	2	1	1	9	0	0	5	4	0
DECLARATION OF SUCCESSOR TRADE UNION	257	5	156	45	38	13	257	1	124	73	44	15
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	846	192	172	175	149	158	898	169	177	229	162	161
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	157	47	32	21	35	22	160	44	35	27	33	21
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	26	7	7	7	3	2	29	6	10	8	2	3
CONSENT TO PROSECUTE	25	6	4	7	3	5	24	4	5	9	3	3
CONTRAVENTION OF ACT	4,582	1,024	901	903	842	912	4,648	930	949	1,061	871	837
RIGHT OF ACCESS	0	0	0	0	0	0	2	1	0	1	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	29	8	1	7	9	4	28	3	6	5	5	9
EARLY TERMINATION OF COLLECTIVE AGREEMENT	59	14	10	17	10	8	59	15	9	16	10	9
TRADE UNION FINANCIAL STATEMENT	24	3	8	2	2	9	24	2	5	10	5	2
JURISDICTIONAL DISPUTE	154	22	29	24	30	49	150	25	21	41	24	39
REFERRAL ON EMPLOYEE STATUS	99	27	17	8	14	33	125	22	20	25	14	44
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	71	11	12	14	21	13	66	4	13	13	21	15
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	0	0	1	0	1	0	0	0	0	1
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4,147	1,059	782	780	706	820	4,222	1,030	843	849	669	831
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	421	87	59	82	97	96	433	93	61	87	91	101
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	4	0	3	1	0	0	4	0	0	3	0	1
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	3	0	1	1	1	0	2	0	0	1	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	59	15	13	8	14	9	63	12	14	13	15	9
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	13	3	2	2	0	6	9	1	3	2	1	2
FINAL OFFER VOTE	109	19	27	15	31	17	113	20	20	22	32	19
EMPLOYMENT STANDARDS ACT (APPEALS)	3,979	758	658	800	739	1,024	4,239	976	815	870	744	834
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	889	188	212	153	161	175	1,011	183	286	230	145	167
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	0	0	0	0	0	0	1	1	0	0	0	0
EDUCATION QUALITY IMPROVEMENT ACT	22	22	0	0	0	0	23	23	0	0	0	0
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	246	126	32	42	40	6	271	124	49	36	51	11
CROWN EMPLOYEES COLLECTIVE BARGAINING ACT	147	0	0	1	146	0	147	0	0	0	147	0
PROJECT AGREEMENT APPLICATION	7	1	1	1	3	1	3	0	0	0	3	0
APPLICATION FOR VOTE UNDER COMMUNITY SMALL BUSINESS INVESTMENT FUNDS, MINISTRY OF FINANCE	1	1	0	0	0	0	4	1	1	2	0	0
FIRE PROTECTION AND PREVENTION ACT	4	0	2	2	0	0	3	0	0	0	2	1
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT	2	0	0	0	0	2	0	0	0	0	0	0
OTHER CASE TYPES	173	0	0	0	0	173	151	0	0	0	0	151

Table 3

Labour Relations Officer Activity in Cases Processed *
Fiscal Year 2002-03

Type of Case	Total Cases Assigned	Cases in Which Activity Completed				
		Settled			Referred to Board	Pending**
		Total	Number	Percent		
Total	5,767	4,039	3,385	83.8	654	1,728
CERTIFICATION OF BARGAINING AGENTS	794	627	552	88.0	75	167
SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	289	161	116	72.0	45	128
REFERRAL ON EMPLOYEE STATUS	55	44	17	38.6	27	11
CONTRAVENTION OF ACT	1,323	837	721	86.1	116	486
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	975	831	710	85.4	121	144
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	138	101	82	81.2	19	37
EMPLOYMENT STANDARD ACTS (APPEAL)	1,366	834	679	81.4	155	532
ALL OTHER CASE TYPES	827	604	508	84.1	96	223

*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

Table 4
Results of Representation Votes Conducted *
Fiscal Year 2002-03

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	685	34,158	27,431	13,069
Certification	609	28,606	23,030	11,355
Regular cases				
One union	397	23,317	18,358	8,930
Two unions	27	3,167	2,468	1,680
Construction cases				
One union	174	1,988	2,058	706
Two unions	11	134	146	39
Termination of Bargaining Rights				
One union	76	5,552	4,401	1,714

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year

Table 5
Results of Representation Votes in cases Disposed of *
Fiscal Year 2002-03

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
					In Votes			In Votes			In Votes	
	Total	Appl Won	Appl Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	567	370	197	32,561	16,443	16,118	26,354	13,156	13,198	13,499	8,564	4,935
Certification	495	328	167	27,646	15,102	12,544	22,515	12,022	10,493	12,037	8,297	3,740
Regular cases												
One union	350	242	108	21,810	12,812	8,998	17,666	10,167	7,499	9,066	6,679	2,387
Two unions	27	17	10	3,991	1,344	2,647	3,084	894	2,190	2,082	872	1,210
Three unions	1	1	0	240	240	0	238	238	0	197	197	0
Construction cases												
One union	105	59	46	1,272	593	679	1,279	614	665	596	470	126
Two unions	12	9	3	333	113	220	248	109	139	96	79	17
Termination												
One union	72	42	30	4,915	1,341	3,574	3,839	1,134	2,705	1,462	267	1,195

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 6

Time Required to Process Applications and Complaints Disposed of *, by Major Type of Case, Fiscal Year 2002-03

	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
Time Taken (No. of Days)	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent
Total	3,023	100.0	580	100.0	696	100.0	462	100.0	1,285	100.0
Under 8 days	223	7.4	53	9.1	27	3.9	67	14.5	76	5.9
8-14 days	321	18.0	45	16.9	30	8.2	174	52.2	72	11.5
15-21 days	357	29.8	185	48.8	49	15.2	46	62.1	77	17.5
22-28 days	222	37.1	88	64.0	46	21.8	35	69.7	53	21.6
29-35 days	157	42.3	45	71.7	31	26.3	28	75.8	53	25.8
36-42 days	134	46.8	26	76.2	39	31.9	11	78.1	58	30.3
43-49 days	243	54.8	20	79.7	30	36.2	10	80.3	183	44.5
50-56 days	128	59.1	16	82.4	42	42.2	8	82.0	62	49.3
57-63 days	99	62.3	9	84.0	37	47.5	7	83.5	46	52.9
64-70 days	63	64.4	5	84.8	26	51.3	4	84.4	28	55.1
71-77 days	98	67.6	6	85.9	36	56.5	18	88.3	38	58.0
78-84 days	87	70.5	4	86.6	33	61.2	11	90.7	39	61.1
85-91 days	83	73.3	12	88.6	22	64.4	4	91.6	45	64.6
92-98 days	54	75.1	2	89.0	16	66.7	4	92.4	32	67.1
99-105 days	48	76.6	4	89.6	24	70.1	1	92.6	19	68.6
106-126 days	139	81.2	8	91.0	39	75.7	7	94.2	85	75.2
127-147 days	119	85.2	9	92.6	43	81.9	4	95.0	63	80.1
148-168 days	80	87.8	4	93.3	26	85.6	3	95.7	47	83.7
Over 168 days	368	100.0	39	100.0	100	100.0	20	100.0	209	100.0

* Excludes cases in which proceedings were adjourned sine die

Table 7

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 2002-03

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Unions	658	579	318	181	80
AUTO WORKERS	4	4	2	2	0
BAKERY AND TOBACCO WORKERS	3	3	2	1	0
BOILERMAKERS	1	1	1	0	0
BRICKLAYERS INTERNATIONAL	7	11	5	4	2
CANADIAN AUTO WORKERS	50	53	30	19	4
CANADIAN OPERATING ENGINEERS	5	4	1	3	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	39	31	18	6	7
CARPENTERS	43	35	9	16	10
CHRISTIAN LABOUR ASSOCIATION	13	13	5	4	4
CLOTHING AND TEXTILE WORKERS	5	7	3	4	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	13	14	9	5	0
ELECTRICAL WORKERS (IBEW)	26	21	17	1	3
FOOD AND COMMERCIAL WORKERS	32	29	11	15	3
GRAPHIC COMMUNICATION UNION	1	1	0	1	0
HOTEL EMPLOYEES	6	2	0	1	1
INDEPENDENT LOCAL UNION	4	5	2	3	0
INTERNATIONAL OPERATING ENGINEERS	30	23	6	11	6
INTERNATIONAL WOODWORKERS OF AMERICA	0	1	0	1	0
IWA – CANADA	11	11	5	4	2
LABOURERS	111	83	48	20	15
MACHINISTS	7	7	4	2	1
NEWSPAPER GUILD	3	2	2	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	3	2	0	2	0
ONTARIO NURSES ASSOCIATION	15	16	12	3	1
ONTARIO PUBLIC SCHOOL TEACHERS	1	0	0	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	24	26	22	4	0
ONTARIO SECONDARY SCHOOL TEACHERS	7	7	5	2	0
PAINTERS	11	14	4	4	6
PLUMBERS	18	13	7	5	1
RETAIL WHOLESALE EMPLOYEES	6	4	4	0	0
SERVICE EMPLOYEES INTERNATIONAL	31	29	21	6	2
SHEET METAL WORKERS	18	17	10	6	1
STRUCTURAL IRON WORKERS	5	2	0	1	1
TEAMSTERS	37	32	19	11	2
THEATRICAL STAGE EMPLOYEES	16	12	7	1	4
TRANSIT UNION (INTL)	4	3	2	1	0
UNITED STEELWORKERS	36	28	18	8	2
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	12	13	7	4	2

*Includes cases which were closed for administrative purposes
**Excludes cases in which proceedings were adjourned sine die

Table 8

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2002-03

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Industries	658	579	318	181	80
Manufacturing	59	61	28	32	1
CHEMICALS	1	1	0	1	0
FABRICATED METALS	6	7	3	4	0
FOOD, BEVERAGES	13	14	5	9	0
MACHINERY	2	2	0	2	0
NON-METALLIC MINERALS	4	5	4	1	0
PRIMARY METALS	2	1	0	1	0
PRINTING, PUBLISHING	3	3	2	1	0
RUBBER, PLASTICS	3	3	1	2	0
TRANSPORTATION EQUIPMENT	4	5	4	1	0
WOOD	2	3	0	3	0
OTHER MANUFACTURING	19	17	9	7	1
Non-Manufacturing	599	518	290	149	79
ACCOMMODATION, FOOD SERVICES	15	12	9	2	1
CONSTRUCTION	199	155	68	51	36
EDUCATION, RELATED SERVICES	16	13	8	3	2
ELECTRIC, GAS, WATER	1	0	0	0	0
FINANCE, INSURANCE CARRIERS	0	1	1	0	0
HEALTH, WELFARE SERVICES	78	77	56	13	8
LOCAL GOVERNMENT	6	6	3	3	0
PERSONAL SERVICES	12	12	10	2	0
REAL ESTATE, INSURANCE AGENCIES	2	2	1	0	1
RECREATIONAL SERVICES	6	5	3	1	1
RETAIL TRADE	10	11	4	4	3
STORAGE	1	1	1	0	0
TRANSPORTATION	6	7	1	4	2
WHOLESALE TRADE	1	0	0	0	0
OTHER SERVICES	197	179	105	52	22
OTHER NON-MANUFACTURING	49	37	20	14	3

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 9

Size of Bargaining Units in Certification Applications Granted Fiscal Year 2002-03

	Total		Construction **		Non-Construction	
Employee Size *	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	318	14,026	67	728	251	13,298
0-9 employees	111	516	50	205	61	311
10-19 employees	54	756	12	163	42	593
20-39 employees	74	2,047	3	77	71	1,970
40-99 employees	45	2,958	1	49	44	2,909
100-199 employees	19	2,525	0	0	19	2,525
200-499 employees	12	3,336	1	234	11	3,102
500 employees or more	3	1,888	0	0	3	1,888

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 318 bargaining units were certified in the 318 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 10, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 10

Time Required to Process Certification Applications Granted * Fiscal Year 2002-03

Working Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	318	100.0	251	100.0	67	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	28	8.8	25	10.0	3	4.5
15-21 days	117	45.6	94	47.4	23	38.8
22-28 days	58	63.8	46	65.7	12	56.7
29-35 days	27	72.3	21	74.1	6	65.7
36-42 days	15	77.0	12	78.9	3	70.1
43-49 days	14	81.4	13	84.1	1	71.6
50-56 days	7	83.6	5	86.1	2	74.6
57-63 days	6	85.5	5	88.0	1	76.1
64-70 days	2	86.1	1	88.0	1	77.6
71-77 days	4	87.4	3	89.6	1	79.1
78-84 days	4	88.7	2	90.4	2	82.1
85-91 days	7	90.9	5	92.4	2	85.1
92-98 days	1	91.2	1	92.8	0	85.1
99-105 days	2	91.8	2	93.6	0	85.1
106-126 days	5	93.4	0	93.6	5	92.5
127-147 days	4	94.6	4	95.2	0	92.5
148-168 days	3	95.6	2	96.0	1	94.0
Over 168 days	14	100.0	10	100.0	4	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 11

Employment Status of Employee in Bargaining Units Certified by Industry
Fiscal Year 2002-03

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls	Number	Empls	Number	Empls	Number	Empls	Number	Empls
All Industries	318	14,026	7	519	7	229	7	214	297	13,064
Manufacturing	28	2,001	4	418	0	0	2	119	22	1,464
FABRICATED METALS	3	258	1	140	0	0	0	0	2	118
FOOD, BEVERAGES	5	322	2	193	0	0	0	0	3	129
NON-METALLIC MINERALS	4	35	0	0	0	0	0	0	4	35
PRINTING, PUBLISHING	2	394	0	0	0	0	0	0	2	394
RUBBER, PLASTICS	1	21	0	0	0	0	0	0	1	21
TRANSPORTATION EQUIPMENT	4	250	1	85	0	0	2	119	1	46
OTHER MANUFACTURING	9	721	0	0	0	0	0	0	9	721
Non-Manufacturing	290	12,025	3	101	7	229	5	95	275	11,600
ACCOMODATION, FOOD SERVICES	8	196	0	0	1	21	1	30	6	145
CONSTRUCTION	67	728	0	0	0	0	0	0	67	728
EDUCATION, RELATED SERVICES	8	1,187	0	0	0	0	0	0	8	1,187
FINANCE, INSURANCE CARRIERS	1	136	0	0	0	0	0	0	1	136
HEALTH, WELFARE SERVICES	56	2,245	0	0	1	17	3	38	52	2,190
LOCAL GOVERNMENT	4	587	0	0	1	70	1	27	2	490
PERSONAL SERVICES	10	355	0	0	1	0	0	0	9	355
REAL ESTATE, INSURANCE AGENCIES	1	3	0	0	0	0	0	0	1	3
RECREATIONAL SERVICES	3	45	0	0	0	0	0	0	3	45
RETAIL TRADE	4	98	1	49	0	0	0	0	3	49
STORAGE	1	83	0	0	0	0	0	0	1	83
TRANSPORTATION	2	44	0	0	0	0	0	0	2	44
OTHER SERVICES	105	5,267	2	52	2	83	0	0	101	5,132
OTHER NON-MANUFACTURING	20	1,051	0	0	1	38	0	0	19	1,013

Table 12

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 2002-03

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls	Number	Empls	Number	Empls	Number	Empls	Number	Empls
All Unions	318	14,026	7	519	7	229	7	214	297	13,064
AUTO WORKERS	2	50	0	0	0	0	0	0	2	50
BAKERY AND TOBACCO WORKERS	2	193	2	193	0	0	0	0	0	0
BOILERMAKERS	1	4	0	0	0	0	0	0	1	4
BRICKLAYERS INTERNATIONAL	5	53	0	0	0	0	0	0	5	53
CANADIAN AUTO WORKERS	30	2,469	3	274	0	0	1	30	26	2,165
CANADIAN OPERATING ENGINEERS	1	12	0	0	0	0	0	0	1	12
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	18	1,834	0	0	2	93	1	27	15	1,714
CARPENTERS	9	31	0	0	0	0	0	0	9	31
CHRISTIAN LABOUR ASSOCIATION	5	321	0	0	0	0	0	0	5	321
CLOTHING AND TEXTILE WORKERS	3	885	0	0	0	0	0	0	3	885
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	9	120	0	0	0	0	0	0	9	120
ELECTRICAL WORKERS (IBEW)	17	392	1	35	0	0	0	0	16	357
FOOD AND COMMERCIAL WORKERS	11	267	0	0	1	21	0	0	10	246
INDEPENDENT LOCAL UNION	2	89	0	0	0	0	0	0	2	89
INTERNATIONAL OPERATING ENGINEERS	6	59	0	0	0	0	0	0	6	59
IWA – CANADA	5	103	0	0	0	0	0	0	5	103
LABOURERS	48	742	0	0	0	0	1	23	47	719
MACHINISTS	4	65	0	0	0	0	0	0	4	65
NEWSPAPER GUILD	2	394	0	0	0	0	0	0	2	394
ONTARIO NURSES ASSOCIATION	12	188	0	0	0	0	1	5	11	183
ONTARIO PUBLIC SERVICE EMPLOYEES	22	1,506	0	0	1	17	1	10	20	1,479
ONTARIO SECONDARY SCHOOL TEACHERS	5	361	0	0	0	0	0	0	5	361
PAINTERS	4	31	0	0	0	0	0	0	4	31
PLUMBERS	7	35	0	0	0	0	0	0	7	35
RETAIL WHOLESALE EMPLOYEES	4	215	0	0	0	0	1	9	3	206
SERVICE EMPLOYEES INTERNATIONAL	21	937	0	0	0	0	0	0	21	937
SHEET METAL WORKERS	10	123	0	0	0	0	0	0	10	123
TEAMSTERS	19	444	0	0	0	0	1	110	18	334
THEATRICAL STAGE EMPLOYEES	7	78	0	0	0	0	0	0	7	78
TRANSIT UNION (INTL.)	2	70	0	0	1	38	0	0	1	32
UNITED STEELWORKERS	18	1,041	1	17	1	60	0	0	16	964
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	7	914	0	0	1	0	0	0	6	914

Table 13

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2002-03

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls	Number	Empls	Number	Empls	Number	Empls	Number	Empls	Number	Empls
All Industries	318	14,026	143	4,598	5	325	5	837	0	0	165	8,266
Manufacturing	28	2,001	15	1,000	1	9	0	0	0	0	12	992
FABRICATED METALS	3	258	1	35	0	0	0	0	0	0	2	223
FOOD, BEVERAGES	5	322	4	300	0	0	0	0	0	0	1	22
NON-METALIC MINERALS	4	35	4	35	0	0	0	0	0	0	0	0
PRINTING, PUBLISHING	2	394	1	387	0	0	0	0	0	0	1	7
RUBBER, PLASTICS	1	21	1	21	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	4	250	1	110	1	9	0	0	0	0	2	131
OTHER MANUFACTURING	9	721	3	112	0	0	0	0	0	0	6	609
Non-Manufacturing	290	12,025	128	3,598	4	316	5	837	0	0	153	7,274
ACCOMODATION, FOOD SERVICES	8	196	4	83	0	0	0	0	0	0	4	113
CONSTRUCTION	67	728	59	521	0	0	0	0	0	0	8	207
EDUCATION, RELATED SERVICES	8	1,187	3	133	1	172	1	771	0	0	3	111
FINANCE, INSURANCE CARRIERS	1	136	1	136	0	0	0	0	0	0	0	0
HEALTH, WELFARE SERVICES	56	2,245	28	966	1	4	4	66	0	0	23	1,209
LOCAL GOVERNMENT	4	587	3	517	1	70	0	0	0	0	0	0
PERSONAL SERVICES	10	355	4	229	0	0	0	0	0	0	6	126
REAL ESTATE, INSURANCE AGENCIES	1	3	1	3	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	3	45	0	0	0	0	0	0	0	0	3	45
RETAIL TRADE	4	98	4	98	0	0	0	0	0	0	0	0
STORAGE	1	83	1	83	0	0	0	0	0	0	0	0
TRANSPORTATION	2	44	0	0	0	0	0	0	0	0	2	44
OTHER SERVICES	105	5,267	20	829	1	70	0	0	0	0	84	4,368
OTHER NON-MANUFACTURING	20	1,051	0	0	0	0	0	0	0	0	20	1,051

Table 14

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 2002-03

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	318	14,026	143	4,598	5	325	5	837	0	0	165	8,266
AUTO WORKERS	2	50	2	50	0	0	0	0	0	0	0	0
BAKERY AND TOBACCO WORKERS	2	193	2	193	0	0	0	0	0	0	0	0
BOILERMAKERS	1	4	1	4	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	5	53	4	30	0	0	0	0	0	0	1	23
CANADIAN AUTO WORKERS	30	2,469	7	390	0	0	0	0	0	0	23	2,079
CANADIAN OPERATING ENGINEERS	1	12	0	0	0	0	0	0	0	0	1	12
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	18	1,834	2	61	2	74	1	771	0	0	13	928
CARPENTERS	9	31	8	30	0	0	0	0	0	0	1	1
CHRISTIAN LABOUR ASSOCIATION	5	321	2	138	0	0	0	0	0	0	3	183
CLOTHING AND TEXTILE WORKERS	3	885	0	0	0	0	0	0	0	0	3	885
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	9	120	2	38	0	0	0	0	0	0	7	82
ELECTRICAL WORKERS (IBEW)	17	392	14	355	0	0	0	0	0	0	3	37
FOOD AND COMMERCIAL WORKERS	11	267	4	162	0	0	0	0	0	0	5	105
INDEPENDENT LOCAL UNION	2	89	1	29	0	0	0	0	0	0	1	60
INTERNATIONAL OPERATING ENGINEERS	6	59	1	6	0	0	0	0	0	0	5	53
IWA – CANADA	5	103	4	91	0	0	0	0	0	0	1	12
LABOURERS	48	742	30	428	0	0	0	0	0	0	18	314
MACHINISTS	4	65	1	3	0	0	0	0	0	0	3	62
NEWSPAPER GUILD	2	394	1	387	0	0	0	0	0	0	1	7
ONTARIO NURSES ASSOCIATION	12	188	4	53	0	0	4	66	0	0	4	69
ONTARIO PUBLIC SERVICE EMPLOYEES	22	1,506	8	310	0	0	0	0	0	0	14	1,196
ONTARIO SECONDARY SCHOOL TEACHERS	5	361	3	133	1	172	0	0	0	0	1	56
PAINTERS	4	31	2	8	0	0	0	0	0	0	2	23
PLUMBERS	7	35	5	19	0	0	0	0	0	0	2	16
RETAIL WHOLESALE EMPLOYEES	4	215	1	24	1	9	0	0	0	0	2	182
SERVICE EMPLOYEES INTERNATIONAL	21	937	11	637	0	0	0	0	0	0	10	300
SHEET METAL WORKERS	10	123	8	61	0	0	0	0	0	0	2	62
TEAMSTERS	19	444	7	167	0	0	0	0	0	0	12	277
THEATRICAL STAGE EMPLOYEES	7	78	0	0	0	0	0	0	0	0	7	78
TRANSIT UNION (INTL.)	2	70	0	0	0	0	0	0	0	0	2	70
UNITED STEELWORKERS	18	1,041	4	197	0	0	0	0	0	0	14	844
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	7	914	4	594	1	70	0	0	0	0	3	250

Table 15

CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2002 AND MARCH 31, 2003

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 02/03											
Industrial	1	361	14	4	3	-	4	17	6	3	413
Construction	-	64	71	16	4	-	3	11	2	2	173
Total	1	425	85	20	7	-	7	28	8	5	586

Percentage of Cases
Number of Days between Application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	.24	87.41	3.39	.97	.73	-	.97	4.12	1.45	.73
Construction	-	36.99	41.04	9.25	2.31	-	1.73	6.36	1.16	1.16

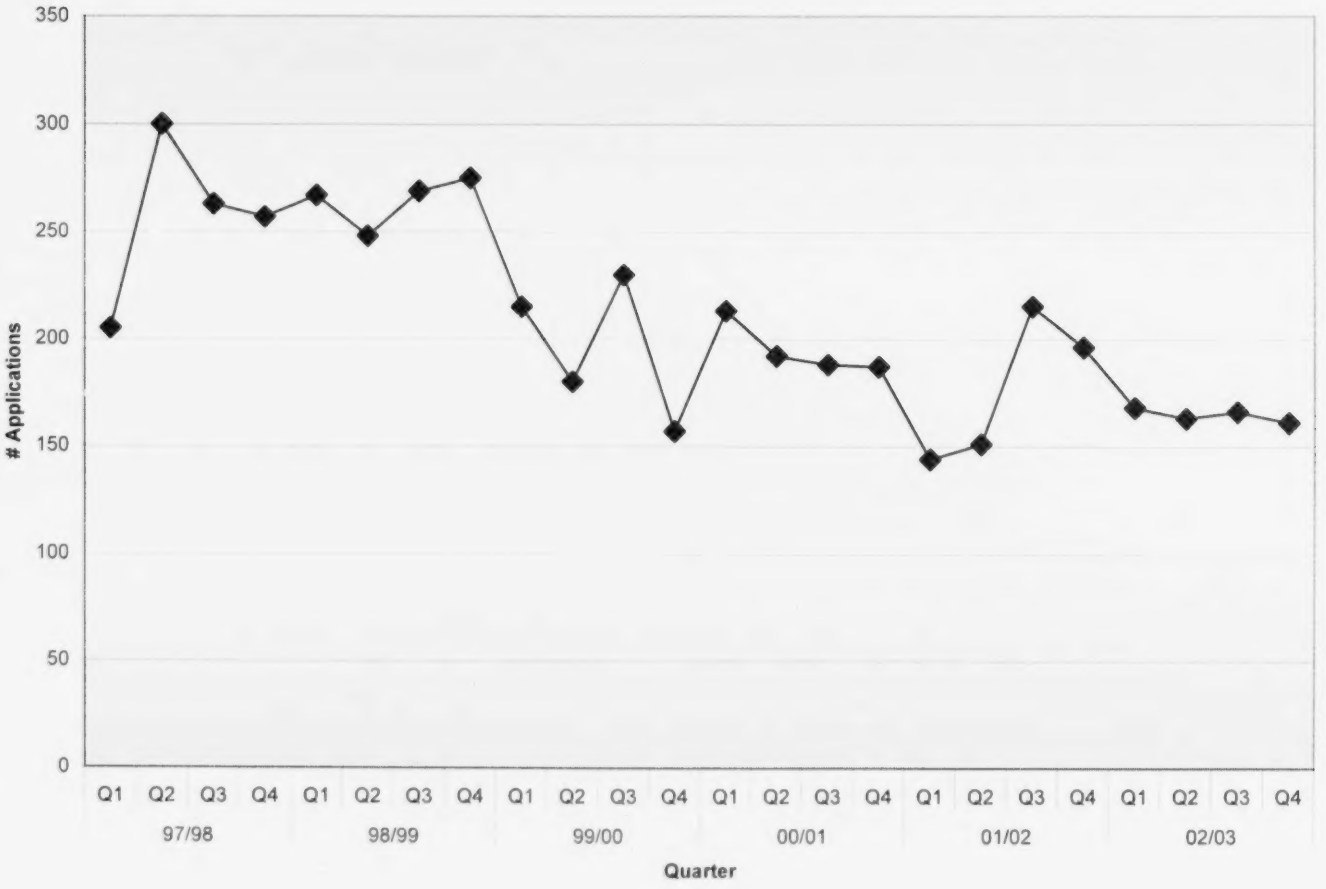
Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial	87.65	92.01	93.71
Construction	36.99	87.28	91.32

16A

New Certification Applications Received

By Quarter, April 1, 1997 to March 31, 2003



NEW CERTIFICATION APPLICATIONS RECEIVED

By Quarter, April 1, 1997 to March 31, 2003

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	205	300	263	257	1025
98/99	267	248	269	275	1059
99/00	215	180	230	157	782
00/01	213	192	188	187	780
01/02	144	151	215	196	706
02/03	168	163	166	161	658
TOTAL	1212	1234	1331	1233	5010

Table 17

TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2002 AND MARCH 31, 2003

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 02/03	-	42	7	5	2	-	5	6	2	1	70

Percentage of Cases
Number of Days between Application date and date vote held

Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
-	60.00	10.00	7.14	2.86	-	7.14	8.57	2.86	1.43

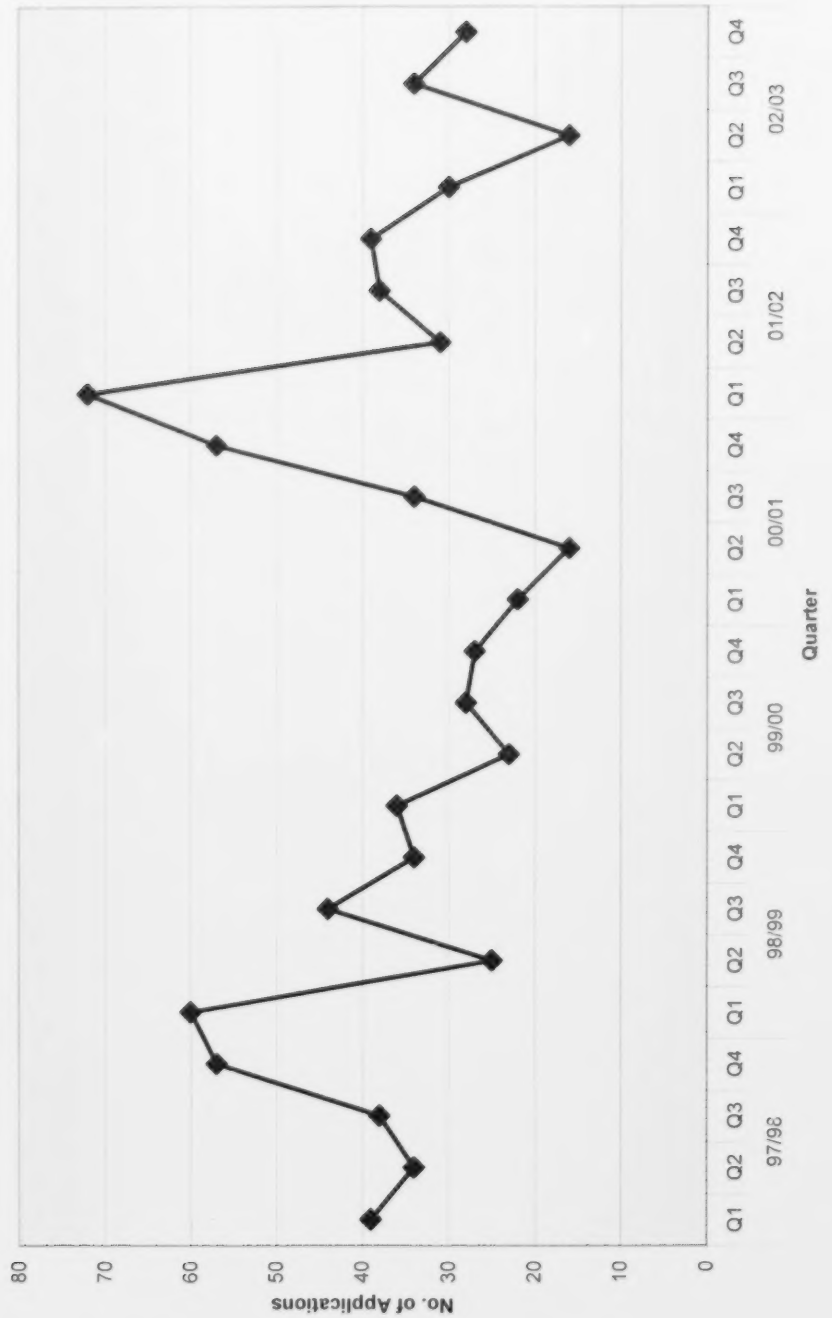
Summary
Percentages of votes held within

5 days or less	7 days or less	10 days or less
60.00	77.14	87.14

18A

New Termination Applications Received

By Quarter, April 1, 1997 to March 31, 2003



NEW TERMINATION APPLICATIONS RECEIVED

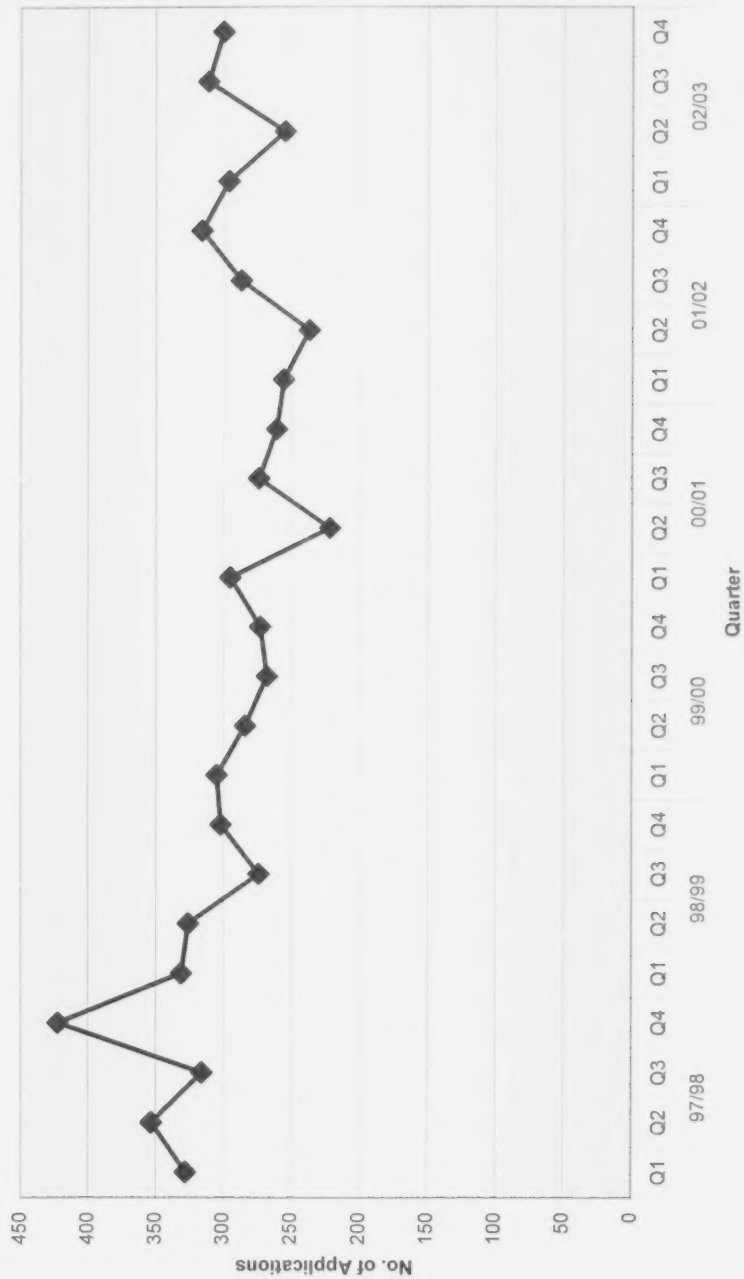
By Quarter, April 1, 1997 to March 31, 2003

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	39	34	38	57	168
98/99	60	25	44	34	163
99/00	36	23	28	27	114
00/01	22	16	34	57	129
01/02	72	31	38	39	180
02/03	30	16	34	28	108
TOTAL	259	145	216	242	862

19A

New Unfair Labour Practice Applications Received

By Quarter, April 1, 1997 to December 31, 2003



NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED

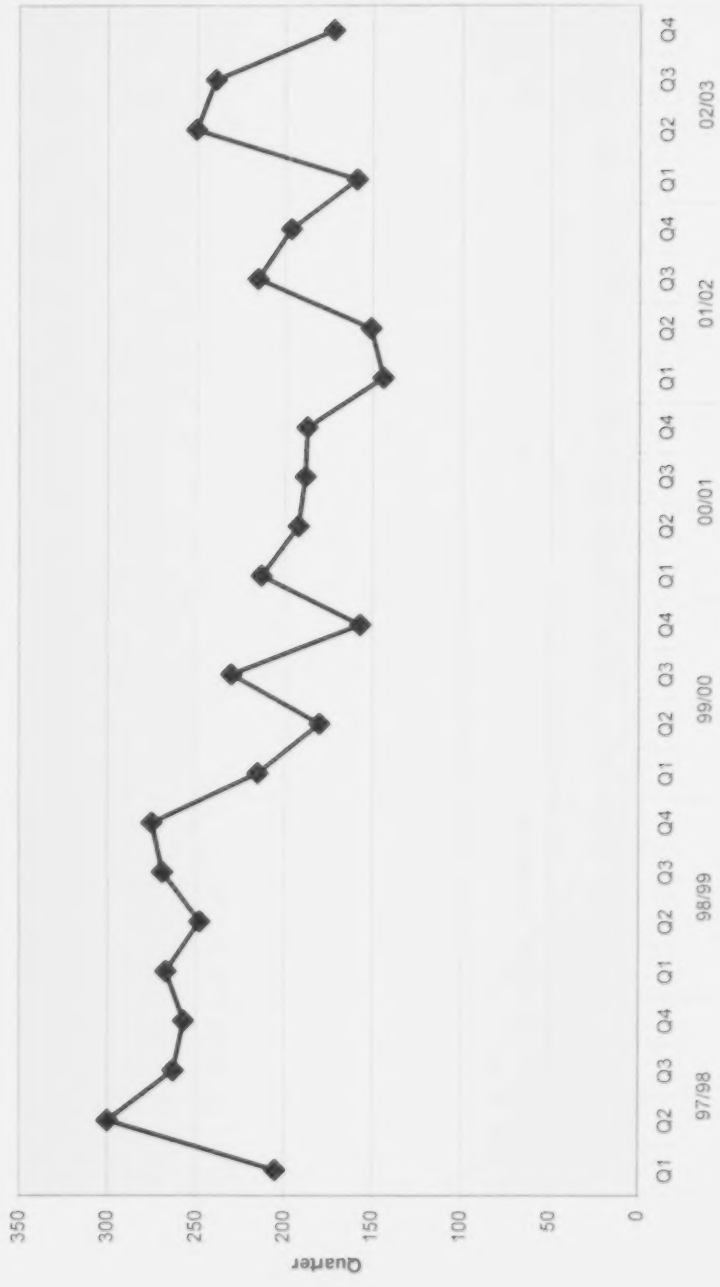
By Quarter, April 1, 1997 to March 31, 2003

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	328	353	316	422	1419
98/99	331	326	274	302	1233
99/00	305	284	268	273	1130
00/01	295	222	274	261	1052
01/02	256	237	287	316	1096
02/03	296	255	311	300	1162
TOTAL	1811	1677	1730	1874	7092

20A

New Construction Industry Grievances Applications Received

By Quarter, April 1, 1997 to March 31, 2003



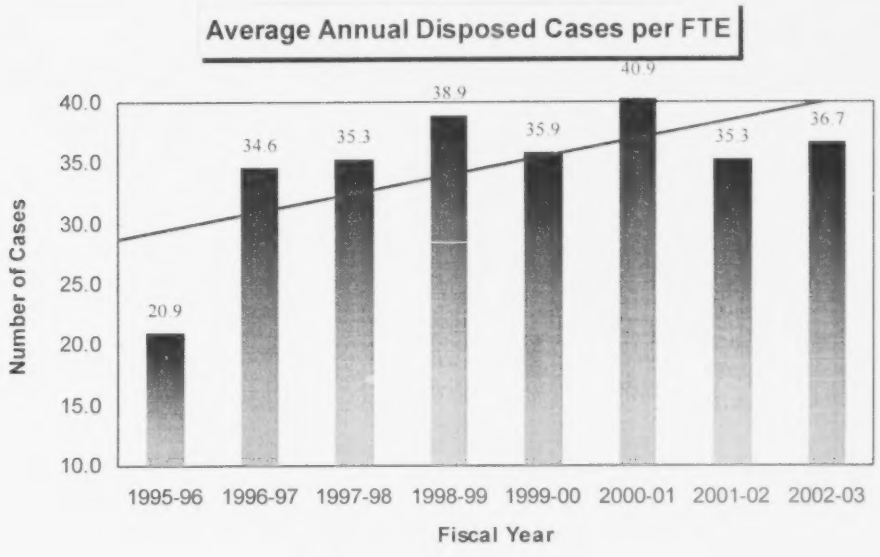
NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED

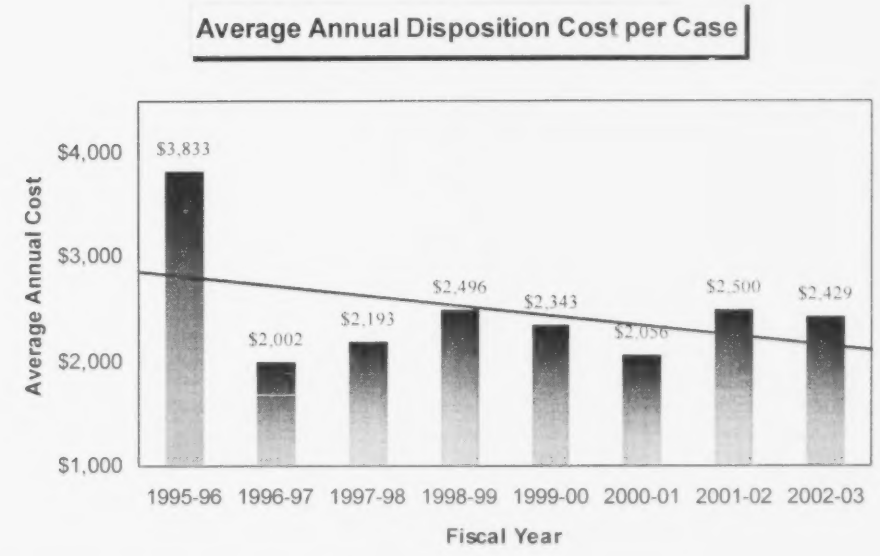
By Quarter, April 1, 1997 to March 31, 2003

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	205	300	263	257	1025
98/99	267	248	269	275	1059
99/00	215	180	230	157	782
00/01	213	192	188	187	780
01/02	144	151	215	196	706
02/03	159	250	239	172	820
TOTAL	1203	1321	1404	1244	5172

OLRB Case Management Efficiencies 1995-2003

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time employee) and the average annual cost per case calculations and compares the results against the previous fiscal years.





III OLRB – Measuring Performance – Achieving Goals

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2002-2003 Commitments	2002-2003 Achievements
Quality Service (Corporate) Measures: Degree of compliance with OPS-wide Common Service Standards	80% overall compliance with telephone standard	80% overall compliance with telephone standard	**Actual: Exceeded corporate commitment – 88%** *As verified by internal OLRB survey
	Correspondence will be answered, on average, within 15 days	Correspondence will be answered, on average, within 10 days	**Actual: Exceeded corporate commitment** - avg. 2.5 days *As verified by internal OLRB/MOL survey and correspondence log
Fiscal Measures: % variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	**Actual: Exceeded commitment** - 1.5 % (positive) variance *As verified by MOL 2002/2003
Program Effectiveness Measures: Meet legislated time lines	100% of certification votes (industrial) within 5-7 days of application	Standard adjusted (from 1999) to 90% cert. votes held within 5-7 days. 95% held within 7-10 days Adjusted standard to 5% or less held within more than 10 days	**Actual: Exceeded commitment-** 91.0% of votes held within 5-7 days or less (534 of 589) **Variance from commitment-** 92.0% of votes held within 7-10 days or less (541 of 589) 8.0 % of votes held in more than 10 days (48 of 589) **Variance attributable to collateral litigation/issues/agreements of the parties
% of cases with outstanding decisions	No more than 2% of adjudicators' cases going to hearing have decisions outstanding more than 6 months	No more than 2% of adjudicator's cases going to hearing have decisions outstanding more than 6 months	**Actual: Exceeded commitment** – 99.5% (442 of 444 cases) had final decision written in less than six months **Variance attributable to request for parties
% of LRA cases settled by mediation % of ES and HS appeal cases settled by mediation	80% of LRA cases settled through mediation ES cases = 70% HS cases = 70%	80% of LRA cases settled through mediation ES cases = 70% HS cases = 70%	**Actual: Exceeded commitment – avg. 88.6%** *Based on completed case activity in certification plus unfair labour practices **Actual: Exceeded commitment** – ES – 81.4% (679 of 834) HS – 82.6% (138 of 167)
% of judicial reviews upheld	100% of judicial reviews upheld Board decision	100% of judicial reviews upheld Board decision	**Actual: Meeting commitment – 100%** *Based on fiscal year -16 applications filed with 5 disposed (2 JR + 3 civil) and 11 pending
Timeliness of information Measures:	Monthly publication of "Highlights" Bulletin within 10 days of the end of each month and bi-monthly reports within 2-4 weeks of month-end	Publish "Highlights" Bulletin within 2-3 weeks of month-end	**Actual: Meeting commitment** *Periodic variances attributed to printing delays etc.
Publications		Publish bi-monthly Reports within 6-8 weeks of month-end	**Actual: Meeting commitment** *Periodic variances attributed to publishing/translation delays
Annual Report	Annual publication of OLRB annual report within 12 weeks of the end of the fiscal year	Annual publication of OLRB annual report within 90 days fiscal year end	**Actual: Meeting 2002/2003 commitment**

96.2% (679 of 706) S. 133 grievance referrals listed for hearing within 14 days (based on parties waiving time limits in10% of cases); 71.4% (10 of 14) First Contract Direction applications listed for hearing within 30 days of application date (based on party adjournments to initial hearing dates in 30% of cases).

IV OLRB - Financial Performance – Managing the Dollars

The OLRB is established as an independent administrative tribunal, and operates at arm's length from the Ministry of Labour. However, from a budgetary perspective, the OLRB is an Adjudicative Agency accountable to the Minister of Labour. The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report quarterly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year – 2002/2003
All figures in $000.0 thousand

Account	Approved Budget Estimates*	Total Actual Expenditure	Variance	% of Variance	Explanation
Salaries & Wages	7,188.0	6,765.1	422.9	5.8	Vacancy savings
Benefits	1,226.4	1,167.0	59.4	4.8	Vacancy savings
Transp. & Comm.	905.0	667.7	237.3	26.2	Improved case mgt.: Phone mediation, pre-hearing consultations; Fewer votes, reduced operating expenses etc.
Services (incl. Lease)	2,322.8	2,873.9	(551.1)	-23.7	CMS development fees (one-time); higher shared service expenses
Supplies & Equipment	150.0	134.9	15.1	10.0	
Total ODOE	11,792.2	11,608.6	183.6	1.5	
Total ***	**11,792.2**	**11,608.6**	**183.6**	**1.5**	

*** Approved Estimates ** Total Actual Expenditures including lease costs *** Savings used to offset development fees**

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Construction Grievances	350.0	422.3	72.3	20.0	Increased case activity
Subscriptions	45.0	53.2	8.2	18.2	Rate increased Jan. 02'
Total	**395.0**	**475.5**	**80.5**	**38.2**	